

REMARKS

The present application was filed on April 26, 2000 with claims 1 through 24. Claims 1 through 24 are presently pending in the above-identified patent application.

In the Office Action, the Examiner rejected claims 1-3 under 35 U.S.C. §102(e) as being anticipated by DeSchrijver (United States Patent Number 6,311,042) and rejected claims 1 and 4-24 under 35 U.S.C. §103(a) as being unpatentable over Pare, Jr., et al. (United States Patent Number 6,154,879) in view of Barrett et al. (United States Patent Number 5,917,835).

Independent Claims 1, 5, 7, 11, 12 and 15-24

Independent claim 1 was rejected under 35 U.S.C. §102(e) as being anticipated by DeSchrijver and independent claims 1, 5, 7, 11, 12, and 15-24 were rejected under 35 U.S.C. §103(a) as being unpatentable over Pare, Jr., et al. in view of Barrett et al. Regarding claim 1, the Examiner asserts that DeSchrijver discloses obtaining several biometric portions from the biometric data (col. 4, lines 20-24). In the Response to Arguments section of the present Office Action, the Examiner asserts that DeSchrijver discloses “verifying a signature of a user to determine the user’s identity (col. 6, lines 13-25, and lines 56-67).”

The Examiner also acknowledges that Pare does not specifically disclose obtaining portions of the biometric information and transmitting them as packets, but asserts that Barrett discloses obtaining plural biometric portions from the biometric information (figures 3 and 4: items 62).

Applicants note that DeSchrijver is directed to systems and methods that provide communication systems that allow for the transmission of voice and data over a wireless network (see, Abstract). While DeSchrijver discloses the input of a signature, DeSchrijver does *not* address the issue of *biometric portions for identifying or verifying a user* and does *not* disclose or suggest that the signature contains a *plurality of biometric portions*.

Applicants note that Barrett is directed to a method and system for *mitigating and compensating for loss of digital audio data* transmitted as a stream of packets to a client (see, Abstract). Barret teaches, for example, that

in accordance with the present invention, a method is defined for conveying digital audio data from a server to a client, so as to minimize errors. The method includes the steps of *dividing the digital audio data among a plurality of temporally contiguous frames; each frame includes a successive portion of the digital audio data*. A plurality of packets is used for conveying the digital audio data from the server to the client. *Each packet includes a plurality of the frames interleaved in a predefined manner so that adjacent frames in each packet do not contain temporally contiguous portions of the digital audio data*. The packets are transmitted from the server to the client. At the client, the frames included in the packets are deinterleaved, so that the portions of the digital audio data included in the frames are sequentially and temporally arranged in order.
(Col. 2, lines 18-32; emphasis added.)

Barrett does *not* address the issue of biometric information or *biometric portions for identifying or verifying a user*. Applicants also note that neither Pare nor Barrett disclose or suggest creating biometric portions from biometric information. (For a detailed discussion of biometric portions, see United States Patent Application Serial Number 09/467,581, filed December 20, 1999, entitled "Methods and Apparatus for Restricting Access of a User Using Random Partial Biometrics," incorporated by reference in the present disclosure.) Independent claims 1, 5, 15, 16, 20, and 21 require a plurality of biometric portions, wherein one or more of said plurality of biometric portions identifies or verifies said user. Independent claims 7, 11, 12, 17-19, and 22-24 require wherein said data comprises one or more biometric portions, wherein one or more of said one or more biometric portions identifies or verifies a user.

Thus, DeSchrijver, Pare, Jr., et al., and Barrett et al., alone or in combination, do not disclose or suggest wherein one or more of said plurality of biometric portions identifies or verifies said user, as required by independent claims 1, 5, 15, 16, 20, and 21, and do not disclose or suggest wherein said data comprises one or more biometric portions, wherein one or more of said one or more biometric portion identifies or verifies a user, as required by independent claims 7, 11, 12, 17-19, and 22-24.

Dependent Claims 2-4, 6, 8-10 and 13-14

Dependent claims 4, 6, 8-10, and 13-14 were rejected under 35 U.S.C. §103(1) as being unpatentable over Pare, Jr., et al. in view of Barrett et al. and claims 2-3 were rejected under 35 U.S.C. §102(e) as being anticipated by DeSchrijver.

5 Claims 2-4, 6, 8-10 and 13-14 are dependent on claims 1, 5, 7, and 12, respectively, and are therefore patentably distinguished over Barrett et al., Pare, Jr., et al., and DeSchrijver (alone or in any combination) because of their dependency from independent claims 1, 5, 7, and 12 for the reasons set forth above, as well as other elements these claims add in combination to their base claim.

10 All of the pending claims, i.e., claims 1-24, are in condition for allowance and such favorable action is earnestly solicited.

 If any outstanding issues remain, or if the Examiner has any further suggestions for expediting allowance of this application, the Examiner is invited to contact the undersigned at the telephone number indicated below.

15 The Examiner's attention to this matter is appreciated.

Respectfully submitted,



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